

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
Civil Action No. 1:20-cv-00954-WO-JLW

FARHAD AZIMA,

Plaintiff,

v.

NICHOLAS DEL ROSSO and  
VITAL MANAGEMENT SERVICES,  
INC.,

Defendants.

**MOTION TO SEAL**

Defendants Nicholas Del Rosso and Vital Management Services, Inc. (collectively, “Defendants”), through counsel and pursuant to Local Rule 5.4, hereby move the Court for an order sealing the documents listed below which Plaintiff has designated as confidential pursuant to the parties’ Protective Order dated February 22, 2023 [D.E. 177], or which are sealed out of an abundance of caution given their reference to information Plaintiff designated as confidential. Pursuant to Local Rule 5.4(c)(4), Plaintiff will file a response showing why the documents must be maintained under seal within 14 days from the date of the filing of this motion.

Defendants hereby provide a non-confidential description of documents filed provisionally under seal in support of Defendants’ Memorandum in Support of Summary Judgment:

1. Plaintiff's Trade Secrets Nos. 1 – 39. Defendants are contemporaneously filing under seal documents identified by Plaintiff as Plaintiff's trade secrets, referred to as **Composite Exhibit B** [slipsheet at D.E. 379-3]. The 29 Excel spreadsheets slipsheeted within the electronically filed Trade Secret documents are being filed provisionally under seal manually with the Clerk of Court via flash drive in native Excel format. *See* Defendants' Notice of Manual Filing of Plaintiff's Trade Secret Documents Provisionally Under Seal filed contemporaneously herewith.

2. ALG Transportation, Inc. Deposition Transcript Excerpts. Defendants have filed, as **Exhibit D** [D.E. 379-5], a redacted version of ALG Transportation, Inc.'s deposition transcript excerpts redacting testimony Plaintiff has designated confidential.

3. Plaintiff Farhad Azima Deposition Transcript. Defendants have filed, as **Exhibit F** [D.E. 379-7], a redacted version of Mr. Azima's deposition transcript redacting testimony Plaintiff has designated confidential.

4. Ray Adams Deposition Transcript Excerpts. Defendants have filed, as **Exhibit G** [D.E. 379-8], a redacted version of Mr. Adams' deposition transcript excerpts redacting testimony Plaintiff has designated confidential.

5. Deposition Transcript of Christopher Tarbell. Defendants are contemporaneously filing under seal the entirety of **Exhibit K** [slipsheet at

D.E 379-12] under seal, as the deadline for Plaintiff to make confidentiality designations for this deposition transcript has not yet passed.

6. Declaration of Charles Clowdis and Exhibits Attached Thereto: Defendants have filed, as **Exhibit N** [D.E. 379-15], a redacted version of Exhibit 1 to the Declaration of Charles Clowdis out of an abundance of caution given its discussion of the contents of Plaintiff's purported trade secrets.

7. Deposition Transcript of Jimmy Pappas: Defendants are contemporaneously filing under seal the entirety of **Exhibit O** [slipsheet at D.E 379-16] under seal, as the deadline for Plaintiff to make confidentiality designations for this deposition transcript has not yet passed.

8. Defendants do not oppose the sealing of the above-referenced documents. Defendants will further provide any necessary redacted versions of the documents referenced in Paragraphs 5 and 7 above upon receiving confidentiality designations from Plaintiff.

This the 15<sup>th</sup> day of July, 2024.

**NELSON MULLINS RILEY &  
SCARBOROUGH LLP**

By: /s/Brandon S. Neuman

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*Counsel for Defendants*

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 15<sup>th</sup> day of July 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send electronic notification of filing to the following:

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